IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 20988 of 2004

Between:

1 T.Ramaiah S/o.Reda Ramaiah
R/o.Nandavaram Village, Marripadu Mandal, Nellore District.
2 Mukku Kondamma W/o.Rathaiah
R/o.Ramanaidupalli, Marripadu Mandal, Nellore District.

... PETITIONERS

AND

1 The Commissioner of Prohibition and Excise Government of Andhra

Pradesh, Hyderabad.
2 The District Collector, Nellore.
3 The Prohibition and Excise Superintendent, Nellore
4 G.Chennaiah, Proprietor of Sri Sai Wines Marripadu Village and Town,

Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, writ or direction more particularly a writ of Mandamus under Article 226 of Constitution of India, declaring the action of the respondents in not considering the representations submitted by the petitioners and other residents of Nandavaram Village and Ramanaidupalli Village of Marripadu Mandal, Nellore District objecting the shifting of liquor retail shop of 4th respondent i.e Sri Sai Wines from Marripadu Town to Dalitwada of Nandavaram Village and Ramanaidupalli Village as illegal, arbitrary and unjust and consequently direct the respondents not to accord permission for shifting the retail liquor shop of 4th respondent to Dalitwada of Nandavaram Village and Ramanaidupalli Village from Marripadu Town and pass.

Counsel for the Petitioners: MR.P.SRIDHAR REDDY

Counsel for the Respondents 1 to 3: GP FOR PROHIBITION & EXCISE
Counsel for the Respondent No.4: MR.M. VENKATA NARAYANA

The Court made the following order:

ORDER:

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Learned counsel for the petitioners submits that an interim order was obtained on 22.11.2004. But the respondents by proceedings dated 23.11.2004, have made an order, taking a decision to shift the shop of 4th respondent herein. As there was a limited stay, which was not extended, the process of shifting the shop already took place. Thus, the writ petition has become infructuous.

Accordingly, the writ petition is dismissed as having become infructuous with a liberty to the petitioners to question the said order dated 23.11.2004 in appropriate proceedings. No costs.

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V. ESWARAIAH, J

March 4, 2005

Dsk

To

1 The Commissioner of Prohibition and Excise Government of Andhra

Pradesh, Hyderabad.
2 The District Collector, Nellore.
3 The Prohibition and Excise Superintendent, Nellore.

4 Two CCs to GP For Prohibition and Excise, High Court Buildings,

Hyderabad (OUT).

5 Two CD copies.